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Secretary
Federal Communications Commission
1919 "M" Street, N.W.
Washington, DC 20554

VIA FED EX: 9393335954

October 12, 1992

Re: Comments in MM Docket 87-268

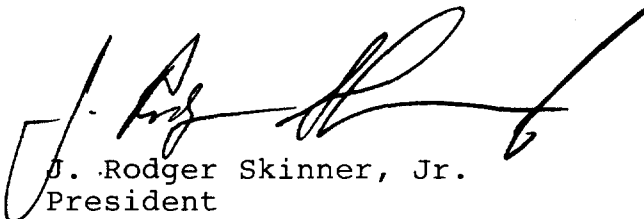
Dear Madam Secretary:

Enclosed are an original and ten copies of our comments in the above-captioned proceeding.

We wish that each Commissioner receive a copy of these comments, in addition to the regular distribution.

Respectfully submitted,

SKINNER BROADCASTING, INC.


J. Rodger Skinner, Jr.
President

JRS:gl
Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAIL BRANCH

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact upon the)
Existing Television Broadcast)
Service)

To: The Commission

COMMENTS

Skinner Broadcasting, Inc., licensee of LPTV Translator station W27AQ, Fort Lauderdale, Florida, hereby submits its comments in the above-captioned proceeding and states as follows:

1. In response to the Second Further Notice of Proposed Rule Making in MM Docket 87-268, adopted July 16, 1992, we must first address the Commission's determination that LPTV should be considered secondary to the proposed new ATV service. While we accepted the "secondary status" conditions regarding interference to full-service television stations, when we applied for the license for W27AQ back in 1980, we certainly did not expect to be made secondary to a "new service" at this date. Nothing in the FCC Rules allowed for the "secondary status" of LPTV and LPTV Translator stations to be carried over and applied to a new service, with no consideration whatsoever given to LPTV stations in the allocation process of this "new service" (ATV). For the Commission to create a table of allotments for ATV ("new service"), without regard for displacement of existing licensed facilities of LPTV and LPTV Translators, is a usurping of power not given it under the Communications Act of 1934, as amended.

2. Furthermore, in the Commission's rush to establish a new ATV service, an in-band HDTV proposal submitted by Leo Zucker of White Plains, New York was refused a testing slot by the Chairman of the FCC's Advisory Committee on Advanced

Television Systems. Under Mr. Zucker's patented system, two separate 6 Mhz NTSC standard 525-line signals are transmitted on the same frequency to arrive at 1050-line noncompressed HDTV, while at the same time remaining compatible with existing home (NTSC) TV receivers. Mr. Zucker holds U.S. Patents 5067017 and 4905084 on this HDTV broadcast system. It is obvious that if this system were tested and found to be effective, an enormous amount of spectrum could be saved since a new channel for each TV station would not be required to broadcast in HDTV. In our opinion, for the FCC to refuse to even test a system with such enormous advantages, shows a departure from the mandate of the Communications Act of 1934, as amended, which provides for the "fair, efficient and equitable distribution" of spectrum among the States and communities. (§ 307 (b)). The Commission should, at the earliest opportunity, examine the Zucker HDTV system, which would allow for on-channel compatible HDTV without any displacement of LPTV or LPTV translators. The public interest, convenience and necessity will be served by no less.

3. Notwithstanding any of the foregoing, if the Commission proceeds with an ATV allotment as described in the Second Further Notice of Proposed Rulemaking (Appendix D), then it is requested that a channel swap be made between Channel 64 (Tequesta, FL) and Channel 27 (West Palm Beach, FL). This would meet FCC guidelines and should allow for continued operation of LPTV Translator station W27AQ, Fort Lauderdale, Florida, without interference to ATV Channel 27 if allotted to Tequesta, Florida, especially since W27AQ employs a directional antenna pointed away from Tequesta, Florida.

4. In light of the numerous public interest concerns as expressed in our comments filed July 17, 1992, we request that the Commission examine all possibilities for an in-band on-channel HDTV system, including that of Mr. Zucker described herein. Failing that, we request that serious consideration be given licensed LPTV and LPTV translator stations, before wiping out existing jobs at a time when our national economy can least afford any loss of jobs. The present course set by the FCC in

this ATV proceeding will literally wipe out hundreds of licensed, on-air, LPTV and LPTV Translator stations resulting in the loss of thousands of jobs. Is this the proper course for our government to take to establish a new service with only a promise of more jobs, when some careful planning might allow for both the creation of a new service and the saving of present licensed stations and jobs.

5. It should be pointed out that the Commissions policy to allow displaced LPTV and LPTV translator stations to apply for a new channel outside of a filing window, while having served somewhat sucessfully in the past, will not work in the vast majority of cases for those stations displaced by ATV channels. By literally doubling the number of stations to protect, there will be NO new channel to apply for in most major markets for displaced LPTV and LPTV translator stations. To rely on this policy under the changed playing field of ATV spells doom for a great number of licensed LPTV and LPTV translator stations.

6. It is respectfully requested that the Commission give serious consideration to the points raised in these comments, before proceeding with the mass slaughter of LPTV and LPTV translator stations and the corresponding loss of jobs.

Respectfully submitted,

SKINNER BROADCASTING, INC.

By:


J. Rodger Skinner, Jr. / President

October 12, 1992